

FORM PTO-1390 (REV 02-2005)		ATTORNEY DOCKET NUMBER 4126-4030
<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.14) <b>107540092</b> Not Yet Assigned
INTERNATIONAL APPLICATION PCT/GB2003/005563	INTERNATIONAL FILING DATE December 19, 2003	PRIORITY DATE CLAIMED December 20, 2002
TITLE OF INVENTION THE GENE CLUSTER INVOLVED IN SAFRACIN BIOSYNTHESIS AND ITS USES FOR GENETIC ENGINEERING		
APPLICANT(S) FOR DO/EO/US VELASCO IGLESIAS, Ana; DE LA CALLE, Fernando; APARICIO PÉREZ, Tomás; SCHLEISSNER SÁNCHEZ, Carmen; ACEBO PÚIS, Paloma; RODRÍGUEZ RAMOS, Pilar; REYES BENÍTEZ, Fernando; and HENRÍQUEZ PELÁEZ, Rubén		
<p>Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li>1. <input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>2. <input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a submission under 35 U.S.C. 371.</li> <li>3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li>4. <input checked="" type="checkbox"/> The US has been elected. (Article 31).</li> <li>5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau) (107 pgs. Specification; 7 pgs. Claims 1-42; 9 pgs. Formal Drawings – Figs. 1-9). <ul style="list-style-type: none"> <li>b. <input checked="" type="checkbox"/> has been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</li> </ul> </li> </ul> </li> <li>6. <input type="checkbox"/> An English language translation of the International application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> is attached hereto</li> <li>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</li> </ul> </li> <li>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <li>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</li> <li>b. <input type="checkbox"/> have been communicated by the International Bureau.</li> <li>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li>d. <input type="checkbox"/> have not been made and will not be made.</li> </ul> </li> <li>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)) (Unexecuted).</li> <li>10. <input type="checkbox"/> An English translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>Items 11 to 20 below concern document(s) or information included:</b></p> <ol style="list-style-type: none"> <li>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li>13. <input checked="" type="checkbox"/> A preliminary amendment.</li> <li>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</li> <li>15. <input type="checkbox"/> A substitute specification.</li> <li>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</li> <li>17. <input checked="" type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821-1.825 along with a paper copy of the sequence listing.</li> <li>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</li> <li>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</li> <li>20. <input checked="" type="checkbox"/> Other items or Information: Copy of Request for PCT Application; Published PCT application WO 2004/056998 A1 (published July 8, 2004); Copy of International Search Report (Form PCT/ISA/210); Copy of Form PCT/IB/308; a Verified Certification of Express Mailing and a Return Receipt Postcard.</li> </ol>		

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) <b>10/540092</b> Not Yet Assigned		INTERNATIONAL APPLICATION NO. PCT/GB2003/005563	ATTORNEY'S DOCKET NO. 4126-4030
		CALCULATIONS	PTO USE ONLY
The following fees have been submitted			
21. <input checked="" type="checkbox"/> Basic national fee .....		\$300	\$ 300.00
22. <input checked="" type="checkbox"/> Examination fee If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4).....\$100 All other situations.....\$200			
23. <input checked="" type="checkbox"/> Search fee Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority .....\$100 International Search Report prepared and provided to the Office.....\$400 All other situations.....\$500			\$ 200.00  \$ 400.00
<b>TOTAL OF 21, 22 and 23 =</b>			\$ 900.00
<input checked="" type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.			
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE
123 - 100 =	23/50 =	1	x \$250.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(h)).			\$
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE
Total claims	52 - 20 =	32	x \$50.00
Independent claims	4 - 3 =	1	x \$200.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00
			<b>TOTAL OF ABOVE CALCULATIONS =</b>
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by $\frac{1}{2}$ .			\$
		<b>SUBTOTAL =</b>	\$ 3,310.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			+ \$
		<b>TOTAL NATIONAL FEE =</b>	\$
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			+ \$
		<b>TOTAL FEES ENCLOSED =</b>	\$
		Amount to be refunded:	\$
		Amount to be charged:	\$3,310.00
<p>a. <input type="checkbox"/> A check in the amount of \$__ to cover the above fees is enclosed.</p> <p>b. <input checked="" type="checkbox"/> Please charge my Deposit Account No. <u>13-4500</u>, Order No. 4126-4030 in the amount of <u>\$3,310.00</u> to cover the above fees.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>13-4500</u>, Order No. <u>4126-4030</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.</p> <p><b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>			
SEND ALL CORRESPONDENCE TO:			
<b>Enter Address Here</b> MORGAN & FINNEGAN, L.L.P. 3 World Financial Center New York, NY 10281 212-415-8700 (telephone) 212-415-8701 (facsimile)			
 Signature <u>Michael A. Willis/Kenneth Sonnenfeld</u> Name <u>53,913/33,285</u> REGISTRATION NUMBER			

10/540092

IN THE UNITED STATES

- RECEIVING OFFICE (RO/US)  
 DESIGNATED OFFICE (DO/US)  
 ELECTED OFFICE (EO/US)

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## TITLE OF INVENTION

THE GENE CLUSTER INVOLVED IN SAFRAEIN BIOSYNTHESIS AND ITS USES FOR GENETIC ENGINEERING

## APPLICANT(S)

VELASCO IGLESIAS, Ana; DE LA CALLE, Fernando; APARICIO PÉREZ, Tomás; SCHLEISSNER SÁNCHEZ, Carmen; ACEBO PÚIS, Paloma; RODRÍGUEZ RAMOS, Pilar; REYES BENÍTEZ, Fernando; and HENRÍQUEZ PELÁEZ, Rubén

Mail Stop PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**VERIFIED CERTIFICATION OF EXPRESS MAILING DATE  
 (INTERNATIONAL APPLICATION (37 CFR 1.10(c)))**

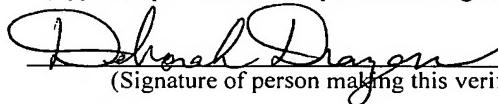
I declare that on **June 20, 2005** I deposited with the United States Postal Service in an envelope "Express Mail, Post Office to Addressee", bearing Label Number **EV 622483743 US**, addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 and having an express mail certification which I executed, the following papers:

1. Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) (DO/EO/US)
2. Copy of Request for PCT Application and PCT/IB/308
3. Paper copy of Sequence Listing and computer disk with sequence listing; Statement under 37 CFR 1.821
4. Published PCT application WO 2004/056998 A1: 107 pgs. Specification; 7 pgs. Claims 1-42; 9 pgs. Formal Drawings – Figs. 1-9
5. Preliminary Amendment
6. Unexecuted Combined Declaration and Power of Attorney
7. Copy of International Search Report (Form PCT/ISA/210)
8. Return Receipt Postcard
9. Label Number **EV 622483743 US**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application of any patent issuing thereon.

Deborah Drazen

(Typed or printed name of person making this verified statement)



(Signature of person making this verified statement)

June 20, 2005  
 Date

(Verified Certification of Express Mailing Date (International Application) [13-12])